

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:) Docket No. 08-AFC-13
)
Application for Certification for the)
Calico Solar Project (formerly known as)
SES Solar 1), SES Solar Three, LLC and)
SES Solar Six, LLC)
_____)
October 22, 2010

**Additional Staff Comments on Fire Protection Analysis in the
Presiding Member’s Proposed Decision**

Staff offers additional comment on the Presiding Member’s Proposed Decision (PMPD) for the Calico Solar Project. These comments relate to PMPD analysis of fire protection and emergency response for the project.

Staff respectfully disagrees that the evidence submitted by the Newberry Community Services District “underscores the need for further risk analysis and consideration of the project’s appropriate mitigation funding.” (PMPD, p. 14.)

Rather, Staff believes that the project owner’s funding to the San Bernardino County Fire Department (SBCFD) pursuant to any of the three options under the stipulated condition **Worker Safety-7** (see Applicant’s Exhibit 113) would meet the needs of the SBCFD in addressing the Calico project’s incremental demand on fire protection and emergency services. **Worker Safety-7**, if implemented as Applicant, Staff, the County, and the SBCFD intended, will, among other important things, avoid precisely the kind of drawdown of services in outlying areas about which the Newberry Springs FD is concerned. (Ex. 302 (“Estimated Location of Fire Facility Cost to Proposed Solar Energy Installations,” June 30, 2010, Stanley R. Hoffman Associates (for San Bernardino County Fire Department).) The evidence in this proceeding demonstrates that the Calico project would have a significant impact on SBCFD’s current services levels such that the SBCFD would need to call upon the Newberry Springs FD. At the August 6, 2010 evidentiary hearing, Newberry Springs’ cross-examination of San Bernardino County Fire Chief Brierty focused specifically on stresses on the SBCFD based on its current staffing and service levels. (August 6, 2010 RT 205-

208.) The Newberry Springs concerns are therefore directly addressed by the parties' stipulated version of **Worker Safety-7**.

Staff notes that the Calico project is proposed to be located in an area "under the authority and jurisdiction of the San Bernardino County." (August 6, 2010 RT 211-212 (Newberry Community Services Dist./Springer).) Newberry Springs FD is a party to a negotiated mutual aid agreement with the SBCFD and its concerns should be communicated to and resolved through bilateral discussions with the SBCFD.

Proposed Findings of Fact

1. Proposed Finding of Fact: the proposed Calico project would be located within SBCFD's jurisdictional service area.
2. Proposed Finding of Fact: The Newberry Springs Fire Department has a mutual aid agreement with the SBCFD.
3. Proposed Finding of Fact: The SBCFD's existing fire protection and emergency service capacity will require calling on the Newberry Springs Fire Department under their mutual aid agreement should a significant event occur at the Calico protect site.
4. Proposed Finding of Fact: **Worker Safety-7** will enable the SBCFD to serve the fire protection and emergency services needs of the Calico project without drawing down on the service capacity of other County citizens both in the vicinity and in outlying areas.

Proposed Conclusions of Law

1. Proposed Conclusion of Law: The Calico project will cause cumulatively considerable impacts to fire and emergency services in the SBCFD's service area.
2. Proposed Conclusion of Law: The project owner's fulfillment of the stipulated condition **Worker Safety-7** will reduce the Calico project's cumulatively considerable impacts on the SBCFD to less than significant levels.

Should the Committee decide to reject the stipulated condition, Staff urges the Commission should make two very important modifications to the condition **Worker Safety-7**. Staff notes that the Committee modified certain key elements of the stipulated condition, although the modifications are neither supported by the PMPD's discussion and conclusions nor necessary.

First, the condition **Worker Safety-7**'s second option (funding a Fire Needs and Risk Assessment) should be conducted by an independent contractor selected and approved by the CEC CPM. This was a term to which stipulating parties agreed.

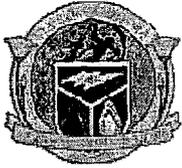
Second, the condition **Worker Safety-7** should provide that no construction of permanent above-ground structures shall occur until full funding of mitigation occurs in accordance with the schedule set forth in the stipulated verification. Again, all stipulating parties agreed to this term. The PMPD, by comparison, requires only "funding" and moreover does not require funding until the commencement of plant operations.

Dated: October 22, 2010

Respectfully submitted,



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APPLICATION FOR CERTIFICATION
For the CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

PROOF OF SERVICE
(Revised 10/18/10)

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DECLARATION OF SERVICE

I, Scott McDonald, declare that on October 25, 2010, I served and filed copies of the attached ADDITIONAL STAFF COMMENTS ON FIRE PROTECTION ANALYSIS IN THE PRESIDING MEMBERS PROPOSED DECISION, dated, October 22, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/solarone].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;
 by personal delivery;
 by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

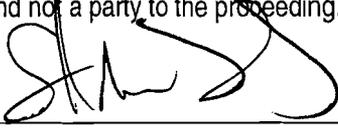
- Hand-delivering an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

OR

- depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-13
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Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



Scott McDonald